

**SUSPEND THE RULES AND PASS THE BILL, H.R. 1157, AS
AMENDED**

(The amendment consists of a complete substitute for the text)

107TH CONGRESS
1ST SESSION

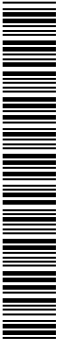
H. R. 1157

To authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2001

Mr. THOMPSON of California (for himself, Mrs. BONO, Mr. CALVERT, Mr. CUNNINGHAM, Mr. DOOLITTLE, Ms. DUNN, Mr. GALLEGLY, Mr. GREENWOOD, Mr. HANSEN, Mr. HERGER, Mr. HORN, Mr. HUNTER, Mr. ISSA, Mr. McKEON, Mr. OSE, Mr. OTTER, Mr. POMBO, Mr. RADANOVICH, Mr. SIMPSON, Mr. WALDEN of Oregon, Mr. YOUNG of Alaska, Mr. BACA, Mr. BAIRD, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CONDIT, Mrs. DAVIS of California, Mr. DICKS, Mr. DEFazio, Mr. DOOLEY of California, Mr. ENGLISH, Ms. ESHOO, Mr. FARR of California, Mr. FILNER, Mr. HINCHEY, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. LEWIS of California, Mr. LANTOS, Mr. LARSEN of Washington, Ms. LEE, Ms. LOFGREN, Mr. MATSUI, Mr. McDERMOTT, Mr. McGOVERN, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. PELOSI, Mr. REYES, Ms. ROYBAL-ALLARD, Ms. SANCHEZ, Ms. SOLIS, Mr. SHERMAN, Mr. SCHIFF, Mr. STARK, Mr. STUPAK, Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. WATERS, Ms. WOOLSEY, and Mr. WU) introduced the following bill; which was referred to the Committee on Resources



A BILL

To authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

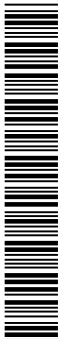
4 This Act may be cited as the “Pacific Salmon Recov-
5 ery Act”.

6 **SEC. 2. SALMON CONSERVATION AND SALMON HABITAT**
7 **RESTORATION ASSISTANCE.**

8 (a) REQUIREMENT TO PROVIDE ASSISTANCE.—Sub-
9 ject to the availability of appropriations, the Secretary of
10 Commerce shall provide financial assistance in accordance
11 with this Act to qualified States and qualified tribal gov-
12 ernments for salmon conservation and salmon habitat res-
13 toration activities.

14 (b) ALLOCATION.—Of the amounts available to pro-
15 vide assistance under this section each fiscal year (after
16 the application of section 3(g)), the Secretary—

17 (1) shall allocate 85 percent among qualified
18 States, in equal amounts; and



1 (2) shall allocate 15 percent among qualified
2 tribal governments, in amounts determined by the
3 Secretary.

4 (c) TRANSFER.—

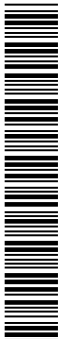
5 (1) IN GENERAL.—The Secretary shall prompt-
6 ly transfer—

7 (A) to a qualified State that has submitted
8 a Conservation and Restoration Plan under sec-
9 tion 3(a) amounts allocated to the qualified
10 State under subsection (b)(1) of this section,
11 unless the Secretary determines, within 30 days
12 after the submittal of the plan to the Secretary,
13 that the plan is inconsistent with the require-
14 ments of this Act; and

15 (B) to a qualified tribal government that
16 has entered into a memorandum of under-
17 standing with the Secretary under section 3(b)
18 amounts allocated to the qualified tribal govern-
19 ment under subsection (b)(2) of this section.

20 (2) TRANSFERS TO QUALIFIED STATES.—The
21 Secretary shall make the transfer under paragraph
22 (1)(A)—

23 (A) to the Washington State Salmon Re-
24 covery Board, in the case of amounts allocated
25 to Washington;



1 (B) to the Oregon State Watershed En-
2 hancement Board, in the case of amounts allo-
3 cated to Oregon;

4 (C) to the California Department of Fish
5 and Game for the California Coastal Salmon
6 Recovery Program, in the case of amounts allo-
7 cated to California;

8 (D) to the Governor of Alaska, in the case
9 of amounts allocated to Alaska; and

10 (E) to the Office of Species Conservation,
11 in the case of amounts allocated to Idaho.

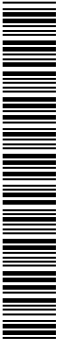
12 (d) REALLOCATION.—

13 (1) AMOUNTS ALLOCATED TO QUALIFIED
14 STATES.—Amounts that are allocated to a qualified
15 State for a fiscal year shall be reallocated under sub-
16 section (b)(1) among the other qualified States, if—

17 (A) the qualified State has not submitted
18 a plan in accordance with section 3(a) as of the
19 end of the fiscal year; or

20 (B) the amounts remain unobligated at the
21 end of the subsequent fiscal year.

22 (2) AMOUNTS ALLOCATED TO QUALIFIED TRIB-
23 AL GOVERNMENTS.—Amounts that are allocated to a
24 qualified tribal government for a fiscal year shall be
25 reallocated under subsection (b)(2) among the other



1 qualified tribal governments, if the qualified tribal
2 government has not entered into a memorandum of
3 understanding with the Secretary in accordance with
4 section 3(b) as of the end of the fiscal year.

5 **SEC. 3. RECEIPT AND USE OF ASSISTANCE.**

6 (a) QUALIFIED STATE SALMON CONSERVATION AND
7 RESTORATION PLAN.—

8 (1) IN GENERAL.—To receive assistance under
9 this Act, a qualified State shall develop and submit
10 to the Secretary a Salmon Conservation and Salmon
11 Habitat Restoration Plan.

12 (2) CONTENTS.—Each Salmon Conservation
13 and Salmon Restoration Plan shall, at a minimum—

14 (A) be consistent with other applicable
15 Federal laws;

16 (B) be consistent with the goal of salmon
17 recovery;

18 (C) except as provided in subparagraph
19 (D), give priority to use of assistance under this
20 section for projects that—

21 (i) provide a direct and demonstrable
22 benefit to salmon or their habitat;

23 (ii) provide the greatest benefit to
24 salmon conservation and salmon habitat



1 restoration relative to the cost of the
2 projects; and

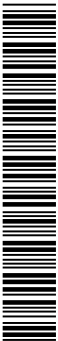
3 (iii) conserve, and restore habitat,
4 for—

5 (I) salmon that are listed as en-
6 dangered species or threatened spe-
7 cies, proposed for such listing, or can-
8 didates for such listing, under the En-
9 dangered Species Act of 1973 (16
10 U.S.C. 1531 et seq.); or

11 (II) salmon that are given special
12 protection under the laws or regula-
13 tions of the qualified State;

14 (D) in the case of a plan submitted by a
15 qualified State in which, as of the date of the
16 enactment of this Act, there is no area at which
17 a salmon species referred to in subparagraph
18 (C)(iii)(I) spawns—

19 (i) give priority to use of assistance
20 for projects referred to in subparagraph
21 (C)(i) and (ii) that contribute to proactive
22 programs to conserve and enhance species
23 of salmon that intermingle with, or are
24 otherwise related to, species referred to in



1 subparagraph (C)(iii)(I), which may in-
2 clude (among other matters)—

3 (I) salmon-related research, data
4 collection, and monitoring;

5 (II) salmon supplementation and
6 enhancement;

7 (III) salmon habitat restoration;

8 (IV) increasing economic oppor-
9 tunities for salmon fishermen; and

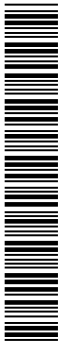
10 (V) national and international co-
11 operative habitat programs; and

12 (ii) provide for revision of the plan
13 within one year after any date on which
14 any salmon species that spawns in the
15 qualified State is listed as an endangered
16 species or threatened species, proposed for
17 such listing, or a candidate for such list-
18 ing, under the Endangered Species Act of
19 1973 (16 U.S.C. 1531 et seq.);

20 (E) establish specific goals and timelines
21 for activities funded with such assistance;

22 (F) include measurable criteria by which
23 such activities may be evaluated;

24 (G) require that activities carried out with
25 such assistance shall—



1 (i) be scientifically based;
2 (ii) be cost effective;
3 (iii) not be conducted on private land
4 except with the consent of the owner of the
5 land; and

6 (iv) contribute to the conservation and
7 recovery of salmon;

8 (H) require that the qualified State main-
9 tain its aggregate expenditures of funds from
10 non-Federal sources for salmon habitat restora-
11 tion programs at or above the average level of
12 such expenditures in the 2 fiscal years pre-
13 ceding the date of the enactment of this Act;
14 and

15 (I) ensure that activities funded under this
16 Act are conducted in a manner in which, and
17 in areas where, the State has determined that
18 they will have long-term benefits.

19 (3) SOLICITATION OF COMMENTS.—In pre-
20 paring a plan under this subsection a qualified State
21 shall seek comments on the plan from local govern-
22 ments in the qualified State.

23 (b) TRIBAL MOU WITH SECRETARY.—

24 (1) IN GENERAL.—To receive assistance under
25 this Act, a qualified tribal government shall enter



1 into a memorandum of understanding with the Sec-
2 retary regarding use of the assistance.

3 (2) CONTENTS.—Each memorandum of under-
4 standing shall, at a minimum—

5 (A) be consistent with other applicable
6 Federal laws;

7 (B) be consistent with the goal of salmon
8 recovery;

9 (C) give priority to use of assistance under
10 this Act for activities that—

11 (i) provide a direct and demonstrable
12 benefit to salmon or their habitat;

13 (ii) provide the greatest benefit to
14 salmon conservation and salmon habitat
15 restoration relative to the cost of the
16 projects; and

17 (iii) conserve, and restore habitat,
18 for—

19 (I) salmon that are listed as en-
20 dangered species or threatened spe-
21 cies, proposed for such listing, or can-
22 didates for such listing, under the En-
23 dangered Species Act of 1973 (16
24 U.S.C. 1531 et seq.); or



1 (II) salmon that are given special
2 protection under the ordinances or
3 regulations of the qualified tribal gov-
4 ernment;

5 (D) in the case of a memorandum of un-
6 derstanding entered into by a qualified tribal
7 government for an area in which, as of the date
8 of the enactment of this Act, there is no area
9 at which a salmon species that is referred to in
10 subparagraph (C)(iii)(I) spawns—

11 (i) give priority to use of assistance
12 for projects referred to in subparagraph
13 (C)(i) and (ii) that contribute to proactive
14 programs described in subsection
15 (a)(2)(D)(i);

16 (ii) include a requirement that the
17 memorandum shall be revised within 1
18 year after any date on which any salmon
19 species that spawns in the area is listed as
20 an endangered species or threatened spe-
21 cies, proposed for such listing, or a can-
22 didate for such listing, under the Endan-
23 gered Species Act of 1973 (16 U.S.C.
24 1531 et seq.);



1 (E) establish specific goals and timelines
2 for activities funded with such assistance;

3 (F) include measurable criteria by which
4 such activities may be evaluated;

5 (G) establish specific requirements for re-
6 porting to the Secretary by the qualified tribal
7 government;

8 (H) require that activities carried out with
9 such assistance shall—

10 (i) be scientifically based;

11 (ii) be cost effective;

12 (iii) not be conducted on private land
13 except with the consent of the owner of the
14 land; and

15 (iv) contribute to the conservation or
16 recovery of salmon; and

17 (I) require that the qualified tribal govern-
18 ment maintain its aggregate expenditures of
19 funds from non-Federal sources for salmon
20 habitat restoration programs at or above the
21 average level of such expenditures in the 2 fis-
22 cal years preceding the date of the enactment
23 of this Act.

24 (c) ELIGIBLE ACTIVITIES.—



1 (1) IN GENERAL.—Assistance under this Act
2 may be used by a qualified State in accordance with
3 a plan submitted by the State under subsection (a),
4 or by a qualified tribal government in accordance
5 with a memorandum of understanding entered into
6 by the government under subsection (b), to carry out
7 or make grants to carry out, among other activities,
8 the following:

9 (A) Watershed evaluation, assessment, and
10 planning necessary to develop a site-specific and
11 clearly prioritized plan to implement watershed
12 improvements, including for making multi-year
13 grants.

14 (B) Salmon-related research, data collec-
15 tion, and monitoring, salmon supplementation
16 and enhancement, and salmon habitat restora-
17 tion.

18 (C) Maintenance and monitoring of
19 projects completed with such assistance.

20 (D) Technical training and education
21 projects, including teaching private landowners
22 about practical means of improving land and
23 water management practices to contribute to
24 the conservation and restoration of salmon
25 habitat.



1 (E) Other activities related to salmon con-
2 servation and salmon habitat restoration.

3 (2) USE FOR LOCAL AND REGIONAL
4 PROJECTS.—Funds allocated to qualified States
5 under this Act shall be used for local and regional
6 projects.

7 (d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE
8 OF JURISDICTION OF RECIPIENT.—Assistance under this
9 section provided to a qualified State or qualified tribal
10 government may be used for activities conducted outside
11 the areas under its jurisdiction if the activity will provide
12 conservation benefits to naturally produced salmon in
13 streams of concern to the qualified State or qualified tribal
14 government, respectively.

15 (e) COST SHARING BY QUALIFIED STATES.—

16 (1) IN GENERAL.—A qualified State shall
17 match, in the aggregate, the amount of any financial
18 assistance provided to the qualified State for a fiscal
19 year under this Act, in the form of monetary con-
20 tributions or in-kind contributions of services for
21 projects carried out with such assistance. For pur-
22 poses of this paragraph, monetary contributions by
23 the State shall not be considered to include funds re-
24 ceived from other Federal sources.



1 (2) LIMITATION ON REQUIRING MATCHING FOR
2 EACH PROJECT.—The Secretary may not require a
3 qualified State to provide matching funds for each
4 project carried out with assistance under this Act.

5 (3) TREATMENT OF MONETARY CONTRIBU-
6 TIONS.—For purposes of subsection (a)(2)(H), the
7 amount of monetary contributions by a qualified
8 State under this subsection shall be treated as ex-
9 penditures from non-Federal sources for salmon con-
10 servation and salmon habitat restoration programs.

11 (f) COORDINATION OF ACTIVITIES.—

12 (1) IN GENERAL.—Each qualified State and
13 each qualified tribal government receiving assistance
14 under this Act is encouraged to carefully coordinate
15 salmon conservation activities of its agencies to
16 eliminate duplicative and overlapping activities.

17 (2) CONSULTATION.—Each qualified State and
18 qualified tribal government receiving assistance
19 under this Act shall consult with the Secretary to
20 ensure there is no duplication in projects funded
21 under this Act.

22 (g) LIMITATION ON ADMINISTRATIVE EXPENSES.—

23 (1) FEDERAL ADMINISTRATIVE EXPENSES.—Of
24 the amount made available under this Act each fiscal
25 year, not more than 1 percent may be used by the



1 Secretary for administrative expenses incurred in
2 carrying out this Act.

3 (2) STATE AND TRIBAL ADMINISTRATIVE EX-
4 PENSES.—Of the amount allocated under this Act to
5 a qualified State or qualified tribal government each
6 fiscal year, not more than 3 percent may be used by
7 the qualified State or qualified tribal government,
8 respectively, for administrative expenses incurred in
9 carrying out this Act.

10 **SEC. 4. PUBLIC PARTICIPATION.**

11 (a) QUALIFIED STATE GOVERNMENTS.—Each quali-
12 fied State seeking assistance under this Act shall establish
13 a citizens advisory committee or provide another similar
14 forum for local governments and the public to participate
15 in obtaining and using the assistance.

16 (b) QUALIFIED TRIBAL GOVERNMENTS.—Each
17 qualified tribal government receiving assistance under this
18 Act shall hold public meetings to receive recommendations
19 on the use of the assistance.

20 **SEC. 5. CONSULTATION NOT REQUIRED.**

21 Consultation under section 7 of the Endangered Spe-
22 cies Act of 1973 (16 U.S.C. 1531 et seq.) shall not be
23 required based solely on the provision of financial assist-
24 ance under this Act.



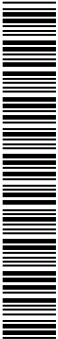
1 **SEC. 6. REPORTS.**

2 (a) QUALIFIED STATES.—Each qualified State shall,
3 by not later than December 31 of each year, submit to
4 the Committee on Commerce, Science, and Transportation
5 of the Senate and the Committee on Resources of the
6 House of Representatives an annual report on the use of
7 financial assistance received by the qualified State under
8 this Act. The report shall contain an evaluation of the suc-
9 cess of this Act in meeting the criteria listed in section
10 3(a)(2).

11 (b) SECRETARY.—

12 (1) ANNUAL REPORT REGARDING QUALIFIED
13 TRIBAL GOVERNMENTS.—The Secretary shall, by not
14 later than December 31 of each year, submit to the
15 Committee on Commerce, Science, and Transpor-
16 tation of the Senate and the Committee on Re-
17 sources of the House of Representatives an annual
18 report on the use of financial assistance received by
19 qualified tribal governments under this Act. The re-
20 port shall contain an evaluation of the success of
21 this Act in meeting the criteria listed in section
22 3(b)(2).

23 (2) BIENNIAL REPORT.—The Secretary shall,
24 by not later than December 31 of the second year
25 in which amounts are available to carry out this Act,
26 and of every second year thereafter, submit to the



1 Committee on Commerce, Science, and Transpor-
2 tation of the Senate and the Committee on Re-
3 sources of the House of Representatives a biannual
4 report on the use of funds allocated to qualified
5 States under this Act. The report shall review pro-
6 grams funded by the States and evaluate the success
7 of this Act in meeting the criteria listed in section
8 3(a)(2).

9 **SEC. 7. DEFINITIONS.**

10 In this Act:

11 (1) INDIAN TRIBE.—The term “Indian tribe”
12 has the meaning given that term in section 4(e) of
13 the Indian Self-Determination and Education Assist-
14 ance Act (25 U.S.C. 450b(e)).

15 (2) QUALIFIED STATE.—The term “qualified
16 State” means each of the States of Alaska, Wash-
17 ington, Oregon, California, and Idaho.

18 (3) QUALIFIED TRIBAL GOVERNMENT.—The
19 term “qualified tribal government” means—

20 (A) a tribal government of an Indian tribe
21 in Washington, Oregon, California, or Idaho
22 that the Secretary of Commerce, in consultation
23 with the Secretary of the Interior, determines—

24 (i) is involved in salmon management
25 and recovery activities under the Endan-



1 gered Species Act of 1973 (16 U.S.C.
2 1531 et seq.); and

3 (ii) has the management and organi-
4 zational capability to maximize the benefits
5 of assistance provided under this Act; and

6 (B) a village corporation as defined in or
7 established pursuant to the Alaska Native
8 Claims Settlement Act (43 U.S.C. 1601 et seq.)
9 that the Secretary of Commerce, in consultation
10 with the Secretary of the Interior, determines—

11 (i) is involved in salmon conservation
12 and management; and

13 (ii) has the management and organi-
14 zational capability to maximize the benefits
15 of assistance provided under this Act.

16 (4) SALMON.—The term “salmon” means any
17 naturally produced salmon or naturally produced
18 trout of the following species:

19 (A) Coho salmon (*oncorhynchus kisutch*).

20 (B) Chinook salmon (*oncorhynchus*
21 tshawytscha).

22 (C) Chum salmon (*oncorhynchus keta*).

23 (D) Pink salmon (*oncorhynchus*
24 gorbuscha).

25 (E) Sockeye salmon (*oncorhynchus nerka*).



1 (F) Steelhead trout (oncorhynchus
2 mykiss).

3 (G) Sea-run cutthroat trout (oncorhynchus
4 clarki clarki).

5 (H) For purposes of application of this Act
6 in Oregon—

7 (i) Lahontan cutthroat trout
8 (oncorhynchus clarki henshawi); and

9 (ii) Bull trout (salvelinus confluentus).

10 (I) For purposes of application of this Act
11 in Washington and Idaho, Bull trout (salvelinus
12 confluentus).

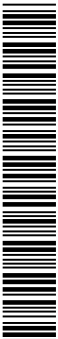
13 (5) SECRETARY.—The term Secretary means
14 the Secretary of Commerce.

15 **SEC. 8. REPORT REGARDING TREATMENT OF INTER-**
16 **NATIONAL FISHERY COMMISSION PEN-**
17 **SIONERS.**

18 The President shall—

19 (1) determine the number of United States citi-
20 zens who—

21 (A) served as employees of the Inter-
22 national Pacific Salmon Fisheries Commission
23 or the International North Pacific Fisheries
24 Commission; and



1 (B) worked in Canada in the course of em-
2 ployment with that commission;

3 (2) calculate for each such employee the dif-
4 ference between—

5 (A) the value, in United States currency,
6 of the annuity payments made and to be made
7 (determined by an actuarial valuation) by or on
8 behalf of each such commission to the em-
9 ployee; and

10 (B) the value, in Canadian currency, of
11 such annuity payments; and

12 (3) by not later than September 1, 2001, sub-
13 mit to the Committee on Resources of the House of
14 Representatives and the Committee on Commerce,
15 Science and Transportation of the Senate a report
16 on the determinations and calculations made under
17 paragraphs (1) and (2).

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated
20 \$200,000,000 for each of the fiscal years 2002, 2003, and
21 2004 to carry out this Act. Funds appropriated under this
22 section may remain until expended.

